

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 27934

PERMIT 19239

LICENSE _____

ORDER TO CHANGE THE PLACE OF USE,
APPROVE A NEW DEVELOPMENT SCHEDULE,
AND AMEND THE PERMIT

WHEREAS:

1. Permit 19239 was issued to Mount Kailasa Foundation on May 21, 1984 pursuant to Application 27934.
2. Permit 19239 was subsequently assigned to Mark Trione and Victor Trione.
3. A petitions to change the place of use and for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board (Board).
4. The permittee has proceeded with diligence and good cause has been shown for said extension of time.
5. The Board has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
6. Permit Condition 10 pertaining to the continuing authority of the Board should be updated to conform to Section 780(a), Title 23 of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 7 of the permit be amended to read:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 31, 1995

(0000009)

2. Paragraph 4 of this permit regarding the place of use is amended and reads as follows:

243 acres described as follows:

1 acre within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 1, T13N, R11W, MDB&M,
17 acres within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 1, T13N, R11W, MDB&M,
25 acres within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 1, T13N, R11W, MDB&M,
25 acres within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 1, T13N, R11W, MDB&M,
31 acres within NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 1, T13N, R11W, MDB&M,
8 acres within NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 1, T13N, R11W, MDB&M,
16 acres within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 1, T13N, R11W, MDB&M,
2 acres within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 1, T13N, R11W, MDB&M,
21 acres within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 1, T13N, R11W, MDB&M,
1 acre within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 2, T13N, R11W, MDB&M,
27 acres within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 2, T13N, R11W, MDB&M,
8 acres within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 2, T13N, R11W, MDB&M,
11 acres within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 2, T13N, R11W, MDB&M,
21 acres within NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 12, T13N, R11W, MDB&M,

10 acres within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 12, T13N, R11W, MDB&M,
5 acres within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 12, T13N, R11W, MDB&M,
2 acres within SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 12, T13N, R11W, MDB&M,
5 acres within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 12, T13N, R11W, MDB&M,
6 acres within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 12, T13N, R11W, MDB&M,
1 acre within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 5, T13N, R10W, MDB&M,

as shown on map on file within the State Water Resources Control Board.

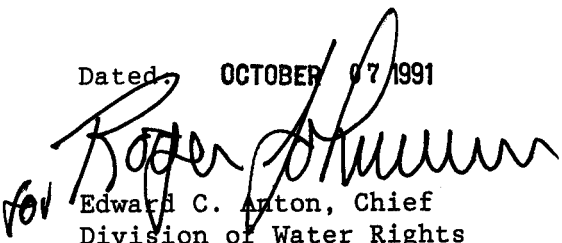
3. Condition 10 of this permit be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

Dated OCTOBER 07 1991


Edward C. Anton, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 19239

Application 27934 of Mount Kailasa Foundation
P. O. Box 469, Hopland, California 95449

(OVER)

filed on December 20, 1983, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Unnamed Stream

Tributary to:

Benmore Creek thence

South Fork Scotts Creek thence

Scotts Creek thence

Rodman Slough thence

Clear Lake

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
South 3,250 feet and West 4,750 feet from NE corner of Section 1	NW $\frac{1}{4}$ of SW $\frac{1}{4}$	1	13N	11W	MD

County of Lake

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acres
Recreational						
Stockwatering	Unnamed Reservoir in NW $\frac{1}{4}$ of SW $\frac{1}{4}$	1	13N	11W	MD	
Domestic						
Irrigation	NW $\frac{1}{4}$ of SW $\frac{1}{4}$	1	13N	11W	MD	40

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 45 acre-feet per annum to be collected from November 1 of each year to May 31 of the succeeding year.

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

6. The amount authorized for appropriation may be reduced in the license if investigation warrants.

7. Complete application of the water to the authorized use shall be made by December 1, 1988.

8. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued.

9. Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

10. Pursuant to California Water Code Sections 100 and 275, and the public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses, prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) to installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action takes into account the public interest and is necessary to protect public trust uses. All such actions shall conform to the standard of reasonableness contained in Article X, Section 2 of the California Constitution.

11. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

Application 27934

Permit

12. Permittee shall install and maintain an outlet pipe of adequate capacity in his dam as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the State Water Resources Control Board in order that water entering the reservoir which is not authorized for appropriation under this permit may be released. Before construction permittee shall submit plans and specifications of the outlet pipe to the Chief of the Division of Water Rights for approval. Before storing water in the reservoir permittee shall furnish evidence which substantiates that an outlet has been installed in the dam. Evidence shall include photographs showing completed works or certification by a registered Civil or Agricultural Engineer.

13. This permit is subject to the prior rights of the Yolo County Flood Control and Water Conservation District (District) to store water in Clear Lake as set forth in the Gopsevic Decree. During years that Clear Lake does not fill to GH 7.56 on the Rumsey Gage no diversion is allowed unless permittee has an alternate source or purchases exchange water from the District.

6/7/90 assigned to Mark and Victor Trione

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

MAY 21 1984

Dated:

STATE WATER RESOURCES CONTROL BOARD

Raymond Wash

Chief, Division of Water Rights